

AFFIDAVIT OF DR. DAVID THORNTON

STATE OF WISCONSIN)
)ss.
DANE COUNTY)

I, David Thornton, being first duly sworn upon oath deposes and states as follows:

1. I am a psychologist, licensed in Wisconsin, USA, and registered in the United Kingdom. For the past 25 years, my practice has focused on the interplay between research and practice concerning the assessment and treatment of sexual and violent offenders. I am also a professor in the department of clinical psychology at the University of Bergen in Norway as well as Research Director for Sand Ridge Secure Treatment Center (SRSTC)'s Research Unit. SRSTC operates Wisconsin's program for high risk mentally-disordered sexual offenders who have been civilly committed as Sexually Violent Persons (SVPs).

2. From 2001 until 2013 I was treatment director for Wisconsin's SVP program, having overall responsibility for the design and effective delivery of treatment services within this program. From 1990 to 2001 I led the multi-disciplinary team within the national headquarters of the correctional service for England & Wales that was responsible for developing and implementing evidence-based treatment services for imprisoned offenders. This included responsibility for the national prison Sex Offender Treatment Program which ran at over twenty treatment sites.

3. In addition to publishing extensively on sexual offender risk assessment, I have published on evidence-based standards for accrediting treatment programs for offenders and served as a member of the National Offender Management Service (England & Wales) Correctional Services Accreditation Panel. Further, I have also published on matters concerning offense-related paraphilias, and relatedly, served as an advisor to the DSM-5 Paraphilias sub-workgroup of the American Psychiatric Association (2009-2013).

4. I have carried out research and development work leading to the production of instruments for assessing the risk of sexual and violent recidivism. These include the Risk Matrix 2000, an instrument for assessing the risk presented by sexual offenders that has been the standard instrument employed by prison, probation and police services in the United Kingdom for over a decade.

5. I am co-author, with Karl Hanson, of the Static-99, Static-99R, Static-2002 and Static-2002R. All of the STATIC tools are actuarial risk tools designed to evaluate the likelihood of sexual recidivism among adult male sexual offenders using commonly available demographic and criminal history information. They are the most widely used sexual offender risk assessment tools in North America.

6. Like other instruments of this kind the Static-99 tool provides tables that associate recidivism rates with scores on the instrument. Users can determine the risk score on the instrument and then interpret it by looking up the recidivism rate found in large samples of sexual offenders for persons with that risk score.

7. Tools of this type have been widely used by forensic evaluators. The purpose of this affidavit is to warn forensic evaluators and courts against a misuse of our instrument.

8. The original published recidivism norms for Static-99 (Hanson & Thornton, 2000) were based on three samples of sexual offenders released in the late 1950s through to the early 1990s with a total N of 1,086. This means that they relate to samples of sexual offenders that were at risk between 25 and 65 years ago. A majority of these sexual offenders were released prior to 1980 (35 years ago). Two of the three samples, comprising about half the cases, were drawn in a way that was liable to over-represent offenders who had a higher than average likelihood of reoffending. Furthermore, only one of the three samples originally used to create recidivism norms for Static-99 was drawn in a way designed to make it representative.

9. Representative samples of more recently released sexual offenders have materially lower sexual recidivism rates (see Hanson et al., 2015) than the rates observed in the original Static-99 validation samples. This means that Static-99's original norms (Hanson & Thornton, 1999, 2000) are outdated and obsolete. The original Static-99 norms should not be reported in forensic evaluations, or considered in applied decisions.

10. Updated norms for Static-99 are sometimes relied on by forensic evaluator. One source for these has been

<http://www.static99.org/pdfdocs/detailedrecidivismtablesOctober2008.pdf>. These norms have also been described in Helmus et al. (2009).

11. The updated norms are based on a total N of 6,406 (six times the number of sexual offenders as the original norms), and 18 samples (six times the number of samples as the original norms). The original norms were based solely on samples from the United Kingdom and Canada. The updated norms were based on samples drawn from more jurisdictions, including specifically four samples drawn from the USA. These updated norms include some offenders who were released many years ago but 90% were released in 1990 or later; consequently, the updated norms are much more current than the original norms. Like the original norms, these updated norms include diverse types of sample although results are broken out for two sample types (those samples pre-selected for risk and routine samples from Corrections Canada).

12. Although this practice is not ideal, the use of updated norms is more defensible than using the original norms, which should not be used under any circumstances. However, updated Static-99 norms should not be relied on for sexual offenders who are being considered for release when they are aged 60 or older. This is because for this age group even updated Static-99 norms greatly over-estimate risk of sexual recidivism (Helmus et al., 2012). Instead of using Static-99, we recommend that evaluations are based on the revised version of Static-99 (Static-99R) because it is applicable to older offenders as well as

younger ones, and now has better norms than are available for Static-99 (Hanson et al., 2015).

David Thornton
David Thornton

Subscribed and sworn to this

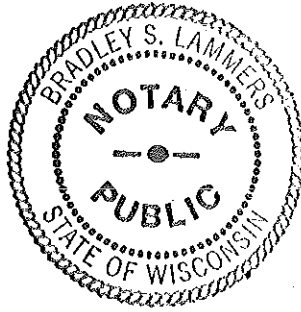
19th day of JAN, 2016,

Bradley S. Lammers

Notary Public

My commission is 09/16/2017

STATE of WISCONSIN
County of DANE



AFFIDAVIT OF DR. R. KARL HANSON

1. I, Dr. R. Karl Hanson, am a psychologist registered in Ontario, Canada. For the past 25 years, my practice has focused on research concerning the assessment and treatment of sexual offenders. I am also a Manager of Correction Research at Public Safety Canada. Public Safety Canada is a federal department that was created in 2003 to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians.

2. I have held the position of Manager of Corrections Research at Public Safety Canada since 2015 and related positions since 1991. From 1991 to 2009, I served as Senior Research Officer for the Solicitor General of Canada and Public Safety Canada, and from 2009 to 2015, I was a Senior Research Scientist with Public Safety Canada. From 1986 to 1991, I was a psychologist in private practice, specializing in the assessment and short-term treatment of offenders on probation and parole. During that time I was also Course Director for psychology courses at York University (Personality, Abnormal Psychology, Research) and Trent University (Abnormal Psychology). I earned my Ph.D. in Clinical Psychology from the University of Waterloo in 1986, and my B.A. with honors in Psychology from Simon Fraser University in 1981. Between 2009 and 2012, I was the Chair of the Research Committee of the Association for the Treatment of Sexual Abusers. Since 1996, I have been the Secretary/Treasurer for the Criminal Justice Section of the Canadian Psychological Association. Since 2000, I have

served on the Scientific Advisor Committee International Association for the Treatment of Sexual Offenders. I have been a member of the Ontario College of Psychology since 1986. I serve on a variety of editorial boards, scientific committees, and working groups, including serving as the advisor to the DSM-V Sexual Disorders Workgroup of the American Psychiatric Association (2009-2013). From 1997 to 2015, I provided training and consulting concerning sexual offender risk assessment to the many U.S. states, including California, New York, Colorado, Massachusetts, Wisconsin, and Georgia. I am currently on the following international advisory boards: (i) Centre International de Criminologie Comparée (Montréal), Collaborator-member (since 2010); (ii) Dutch Ministry of Justice, Expertise Center for Forensic Psychiatry, Scientific Council (since 2010); (iii) Forensic Psychology Research Centre, Carleton University (Ottawa), Research Associate (since 2013); (iv) Hong Kong Correctional Services, Honorary Advisor of the Construction of Risks and Needs Assessments Tools for Sex Offenders (since 2010); (v) Safer Society Program & Press (Vermont, U.S.), Advisory Board (1995-1997; 1999-2000; 2007 to present); (vi) Singapore Ministry of Social and Family Development, International Research Advisor (since 2014); and (vii) the Società Internazionale di Psicologia Giuridica (Rome; International Society of Psychology and Law), Scientific Committee (since 2008).

3. I am the author of the Rapid Risk Assessment for Sexual Offense Recidivism, or RRASOR, an actuarial risk tool designed to evaluate the likelihood of sexual recidivism among adult male sexual offenders.

4. I recommend against using the Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR) in applied assessments. In particular, I recommend against evaluators making inferences based on the recidivism rates reported in my original RRASOR report (Hanson, 1997, The Development of a Brief Actuarial Risk Scale for Sexual Offense Recidivism), or communicating these recidivism rates to decision makers.

5. The 1997 recidivism rates for 5 years and 10 years were not observations; instead, they were estimated based on certain untested assumptions, some of which were not supported by subsequent research. At the time, I considered them reasonable estimates, but the methods used to make these estimates a) were only used by me in this one study, b) have never been used by other researchers, c) do not have acceptance in the scientific community, d) are methods I no longer consider to be credible, and e) have subsequently been demonstrated to less accurate than other methods for estimating recidivism rates.

6. The original RRASOR recidivism rates are different from the rates observed in more recent, representative samples. Specifically, the sexual recidivism rate associated with the higher RRASOR scores are lower than the rates anticipated by the original norms. Reporting the recidivism rates associated with the 1997 RRASOR report will make individuals assessed appear higher risk than current evidence suggests.

7. Another compelling reason not to use the RRASOR is that better alternatives are available. The RRASOR does not include several factors known

to be associated with recidivism risk. Although the four items included in the RRASOR are valid risk factors, these are only four items out of a much larger pool of known risk factors. If evaluators use the RRASOR, they must either ignore the contribution of these additional factors or use unstructured, untested methods of combining these factors with the RRASOR total score. A better alternative would be to use a risk assessment tool that explicitly contains more of these additional risk factors, such as the Static-99R or Static-2002R.

8. Because of the serious limitations of the RRASOR and its associated recidivism rates, I recommend against using the RRASOR in applied risk assessments of sexual offenders. I have held this view for longer than a decade.

9. I am co-author, with David Thornton, of the Static-99, Static-99R, Static-2002 and Static-2002R. All of the STATIC tools are, like the RRASOR, actuarial risk tool designed to evaluate the likelihood of sexual recidivism among adult male sexual offenders using commonly available demographic and criminal history information.

10. Like other instruments of this kind the Static-99 tool provides tables that associate recidivism rates with scores on the instrument. Users can determine the risk score on the instrument and then interpret it by looking up the recidivism rate found in large samples of sexual offenders for persons with that risk score.

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13. Representative samples of more recently released sexual offenders have materially lower sexual recidivism rates (see Hanson et al., 2015) than the rates observed in the original Static-99 validation samples. This means that Static-99's original norms (Hanson & Thornton, 1999, 2000) are outdated and obsolete. The original Static-99 norms should not be reported in forensic evaluations, or considered in applied decisions.

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15. The updated norms are based on a total N of 6,406 (six times the number of sexual offenders as the original norms), and 18 samples (six times the

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16. Although this practice is not ideal, the use of updated norms is more defensible than using the original norms, which should not be used under any circumstances. However, updated Static-99 norms should not be relied on for sexual offenders who are being considered for release when they are aged 60 or older. This is because for this age group even updated Static-99 norms greatly over-estimate risk of sexual recidivism (Helmus et al., 2012). Instead of using Static-99, we recommend that evaluations are based on the revised version of Static-99 (Static-99R) because it is applicable to older offenders as well as younger ones, and now has better norms than are available for Static-99 (Hanson et al., 2015).

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated this 15 day of January, 2016

A handwritten signature in black ink, appearing to read "R. K. Hanson", with a long horizontal flourish extending to the right.

R. Karl Hanson